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SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mr. von WAGNER (Germany)

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COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 76: QUESTION OF ANTARCTICA (continued) (A/48/449, A/48/482; A/C.1/48/L.57)

1. Mr. NKURLU (United Republic of Tanzania) said that his Government recognized the urgent need to preserve Antarctica, which had become increasingly vulnerable to the impact of human activities. Such activities would not only deprive mankind of the opportunity of making the scientific observations necessary for understanding the universe, but would shatter the hope of making Antarctica the common heritage of mankind.

2. Due to its polar location, Antarctica exerted a fundamental influence on the atmosphere, oceans and biological conditions of the entire global system, and was crucial to preventing global warming and allowing the circulation of global air masses. The fragility of the continent gave cause for concern; growth was very slow, and recovery would take years. The melting of Antarctic ice, for example, could raise the sea level, wiping out islands and flooding coastal areas. Such degradation could not be allowed to happen.

3. The adoption in October 1991 of the Madrid Protocol on Environmental Protection had been a milestone in the protracted campaign to protect Antarctica as a world park; however, it had significant flaws, including the absence of liability provisions for environmental damage, the lack of an independent inspectorate to monitor compliance with the provisions of the Protocol, and the uncertainty about what would happen to the ban on mining and prospecting at the end of 50 years. The Antarctic Treaty Consultative Parties tended to ignore each other's environmental misdeeds, and his delegation did not foresee any drastic measure being taken against violations of the Protocol. It therefore supported the view that the Secretary-General or his representative should be invited to attend all Antarctic Treaty Consultative Meetings, thus the process, involving the United Nations fully in all activities relating to Antarctica. That would enable countries with scarce resources, particularly developing countries, to participate in research programmes, share expertise with regard to specialized equipment and obtain logistical support in setting up their Antarctic programmes. The current arrangement, which excluded the majority from determining the future of Antarctica, had become obsolete and had to be readdressed.

4. Tanzania noted with appreciation the report of the Secretary-General (A/48/449) on Antarctica, which emphasized the need for cooperation in solving complicated scientific puzzles in the interests of all mankind.

5. Mr. KAMAL (Pakistan) welcomed the fact that the international community seemed to be in favour of studying and preserving Antarctica for the benefit of all mankind, rather than despoiling it for economic gain. The pronouncements made in various forums, including the Tenth Conference of Heads of State or Government of the Non-Aligned Movement and the United Nations Conference on Environment and Development, were indicative of that consensus. The signing of the Madrid Protocol was a tangible step in the direction of treating Antarctica as a natural reserve devoted to peace and science. Pakistan hoped that a

(Mr. Kamal, Pakistan)

permanent ban on the prospecting, exploration and exploitation of minerals in Antarctica would eventually be agreed upon.

6. While broad agreement existed on the principles of the management of the Antarctic continent, there should be no laxity in the international community's vigilance in saving Antarctica from the ravages of economic exploitation. Issues such as the strict regulation of tourism, the protection of fisheries and the prevention of oil spillage needed to be urgently addressed; the elaboration of additional regimes to deal with those issues and the prompt ratification and enforcement of the Madrid Protocol would be useful measures in that regard.

7. Pakistan's deep interest in Antarctica was manifested by its successful programme of research expeditions to the continent. The Jinnah Antarctic Research Station which it had established in 1991, had become a staging point for research on various aspects of Antarctica. Pakistan was grateful for the cooperation and assistance provided by a number of countries which were members of the Antarctic Treaty system, and looked forward to continued cooperation with them in order to enhance its scientific research capabilities. It wished to assure all States that the results of the research would be freely and openly available to the international community.

8. Mr. QUDER (Bangladesh) said that the annual debates on the question of Antarctica had served to enhance international awareness and understanding of a continent that was vital to all States and peoples.

9. A number of positive developments had taken place over the past year on the issue, including the agreement reached at the Conference on Environment and Development, the invitations extended by the Antarctic Treaty Consultative Parties to some United Nations specialized agencies to participate in the Seventeenth Antarctic Treaty Consultative Meeting and the fact that copies of the final report of that meeting had been forwarded to the Secretary-General in response to the request made in the relevant General Assembly resolutions. His delegation also welcomed the signing of the Madrid Protocol.

10. Antarctica was part of the global commons and must be preserved for all mankind and used exclusively for peaceful purposes. The significance of Antarctica had been recognized at successive summit meetings of the Non-Aligned Movement. It was therefore appropriate that the international community, through the United Nations, should be directly concerned with the issue.

11. There should be no disagreement on the objectives in Antarctica, namely conducting scientific research and using the continent as a zone of international cooperation for exclusively peaceful purposes for the benefit of mankind. The United Nations resolutions adopted by substantial majorities at successive sessions of the General Assembly demonstrated the interest and concern of the entire international community. The international community did not seek to impede the Consultative Parties in their efforts to deepen knowledge about Antarctica, but to promote that objective and achieve greater transparency. His delegation hoped that an invitation would be issued to the Secretary-General or his representative to attend future Antarctic Treaty Consultative Meetings; that presence would symbolize the link between Antarctica and the global environment.

12. Mr. MORADI (Islamic Republic of Iran) said that Antarctica remained the last pristine frontier in the world for mankind. His delegation welcomed the adoption of the Madrid Protocol and the successful outcome of the United Nations Conference on Environment and Development, which had demonstrated the will and commitment of the world community to address collectively the need to stem environmental degradation while promoting economic development. The United Nations, and its specialized bodies, had a central role to play on the issue of Antarctica. It had the expertise and worldwide network to receive, compile and distribute information to member States and research institutions. The international community should build on the Conference on Environment and Development to promote the importance of safeguarding the environment in Antarctica. His delegation looked forward to the organization of seminars or symposia on the subject, and hoped that the Department of Public Information would continue to produce information material on Antarctica to help the general public gain a better understanding of the issues involved and an appreciation of the concerns of the vast majority of member States which were not Antarctic Treaty Consultative Parties.

13. Despite repeated appeals, the Consultative Parties had not yet invited the Secretary-General or his representative to their meetings. It was commendable that they had transmitted to the Secretary-General the report of the seventeenth meeting, which made it clear that there was concern over the prospects of increased tourism into Antarctica; it was to be hoped that the problem of waste disposal and other related issues would not lead to further degradation of the continent. The United Nations would eventually have to step in so that Antarctica could be better managed in the spirit of international cooperation, and it was encouraging that some of the specialized agencies had been invited to participate in the Seventeenth Antarctic Treaty Consultative Meeting.

14. His delegation welcomed the report of the Secretary-General (A/48/449), which reflected the interest and readiness of various organizations with regard to Antarctica. However, it was regrettable that it had not been possible to publish, as official United Nations documents, extracts of data obtained from the various research findings on Antarctica. His delegation hoped that the United Nations would overcome its financial constraints and accord some priority to that publication.

15. It was interesting to note some scientists believed from paragraph 52 that Antarctica was the "centre of the universe", since all the oceans basic water exchange originated there, and any changes in the surface waters or deep waters in the Antarctic would eventually affect the entire global ocean. The Secretary-General rightly concluded that cooperation between various international organizations and States in the scientific research of the Antarctic ecosystems had become increasingly significant given the paramount value of the Antarctic in the global environment.

16. Mr. LAVINA (Philippines) said that the overriding issue in the question of Antarctica was its juridical implications. Draft resolution A/C.1/48/L.57, which would be introduced by the representative of Malaysia, emphasized the importance of Antarctica in terms of environment, ecosystems and international peace and security. It called for a permanent ban on prospecting and mining in and around Antarctica, a reduction in the number of scientific stations, and effective handling of tourist activities. All activities in Antarctica, in

(Mr. Lavina, Philippines)

accordance with operative paragraph 12, were to be carried out exclusively for scientific purposes and must ensure the maintenance of international peace and security and the protection of the Antarctic environment; above all, they must be for the benefit of all mankind. Thus, the draft resolution viewed Antarctica as belonging to no one; activities therein were the concern of everyone.

17. Juridically speaking, Antarctica was a "common heritage of mankind". That concept was not new; it was enshrined both in treaty law and in traditional international law. It found expression in the United Nations Convention on the Law of the Sea, wherein the "Area" beyond the limits of national jurisdiction was termed the "common heritage of mankind" in which the conduct of States was governed by that Convention and by international law. The concept was also recognized in domestic legal systems. The phrase "global commons" was known in common law; the term "common heritage of mankind" was its equivalent in the civil law regime. Hence the international community, in dealing with Antarctica, was expected to take into account the considerations mentioned in the draft resolution in accordance with the precepts of international law on the doctrine of the "common heritage of mankind" and to assume all the correlative rights and duties; that applied especially to States engaged in "activities" in and around the Antarctic region. Ideally the region should not be exploited but should be preserved for the enjoyment, and not necessarily the benefit, of man. In that regard, his delegation appreciated the position and assurances articulated by Italy, reflecting the attitude of the States parties to the Antarctic Treaty, and was gratified that a meeting of legal experts was to be held to elaborate rules and procedures for liability for damage arising for activities within the Antarctic region.

18. Mr. RODRIGUE (Haiti) said that in view of Antarctica's importance for the well being of the entire planet, international cooperation had become crucial for preserving the Earth's last virgin space from destruction and degradation.

19. The international community must be kept informed of all aspects of the question of Antarctica, and the United Nations must be the depositary of that information. He welcomed the decision of the consultative parties to the Antarctic Treaty to provide to the Secretary-General the final report of the Seventeenth Antarctic Treaty Consultative Meeting and expressed the hope that collaboration with the Organization would continue to grow and that the Secretary-General, or his representative, would be invited to the next such meeting.

20. His Government welcomed the signing of the Madrid Protocol on Environmental Protection banning prospecting and mining in the Antarctic for the next 50 years, and hoped the ban would become permanent. Antarctica should become a natural reserve devoted to peace and science, for degradation of its environment could have serious consequences for the entire planet. Already, there was concern about the depletion of the ozone layer, while the greenhouse effect might cause temperatures throughout the world to rise, melting glaciers and putting coastal areas at risk.

21. His delegation welcomed the recognition by the United Nations Conference on Environment and Development of the value of Antarctica to scientific research essential to understanding the global environment, and he appealed to the

(Mr. Rodrique, Haiti)

international community to ensure broader and more positive cooperation on the subject of Antarctica in the interests of all mankind.

22. Mr. THANARAJASINGAM (Malaysia), introducing draft resolution A/C.1/48/L.57, on behalf of the co-sponsors, which had been joined by Belize, said that the current draft maintained and updated relevant paragraphs of the previous year's resolution, highlighted positive developments, particularly the successful outcome of the Conference on Environment and Development and, in a departure from previous practice, however, no longer sought to bar South Africa from participating in meetings of the Antarctic Treaty Consultative Parties.

23. The Consultative Parties had expressed their commitment to international cooperation on environmental issues. In that regard, the draft urged them to consider organizing an annual seminar/symposium on environmental issues which could ensure deeper understanding of the problems of protecting the Antarctic environment, and would provide the international community with a forum for an exchange of information.

24. The draft resolution's request to the Consultative Parties to provide more information and documents to the Secretary-General was in line with the need for greater transparency. In addition, the Secretary-General or his representative should be invited to Consultative Meetings, an important element of the draft resolution under consideration.

25. The role of the United Nations and, in particular, the Department of Public Information, was important for making the general public more aware of the need to preserve the Antarctic continent and manage it in accordance with the purpose and principles of the Charter of the United Nations. Despite the financial constraint, the Secretary-General was accordingly again urged to explore the possibilities of publishing, as official documents of the United Nations, extracts of data received.

26. He expressed the hope that United Nations involvement would help to strengthen the overall climate of peace and cooperation in Antarctica, and said that the draft resolution provided a sound basis for a consensus text.

27. Mr. POLITI (Italy), speaking on behalf of States parties to the Antarctic Treaty, said that for the ninth time since 1985, no consensus had been reached on the question of Antarctica. For more than 30 years, the Antarctic Treaty had been a uniquely successful agreement for the peaceful uses of the continent. While the draft resolution contained useful elements, it did not reflect the role of the Treaty system in the role of furthering international cooperation in Antarctica. The States parties to the Treaty would not participate in the voting on the draft resolution, and he appealed to all delegations to refrain from the vote. Emphasizing the belief that the question of Antarctica should be dealt with on a consensus basis, he requested a roll-call vote. He wished the record to reflect that his delegation, like many others, chose not to participate in the vote.

28. A roll-call vote was taken on draft resolution A/C.1/48/L.57.

29. The Netherlands, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Belize, Benin, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Costa Rica, Cyprus, Egypt, Ethiopia, Fiji, Ghana, Guinea, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Philippines, Rwanda, Saudi Arabia, Singapore, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Ireland, Liechtenstein, Malta, Portugal, Turkey, Venezuela.

30. Draft resolution A/C.1/48/L.57 was adopted by 71 votes to none, with 6 abstentions.

31. Mr. ALBUAINAIN (Qatar) and Mr. BIDIKOV (the former Yugoslav Republic of Macedonia) said that if their delegations had been present, they would have voted in favour of the draft resolution.

COMPLETION OF THE COMMITTEE'S WORK

32. After an exchange of courtesies in which Mr. FOUATHIA (Algeria), Mr. MORADI (Islamic Republic of Iran), Mr. TOMKA (Slovakia), Mr. SADER (Uruguay) and Mr. BIEGMAN (Netherlands) spoke on behalf of the respective regional groups, the CHAIRMAN declared that the First Committee had completed its work for the forty-eighth session.

The meeting was adjourned at 11.50 p.m.